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MEMORANDUM ENDORSED

November 21, 2022

VIA ECF

The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/22/2022

Re: *United States v. Warren Wilder*, 20 Cr. 543 (GHW)
Motion to Revise Presentence Investigation Report

Dear Judge Woods:

We represent Mr. Wilder in the above-captioned matter to request a revision of the Presentence Investigation Report (“PSR”) previously submitted by the Probation Office and, if granted, a brief adjournment of sentencing in this matter. On Tuesday, November 15, 2022, Mr. Wilder submitted his sentencing submission via ECF, as per the current schedule, with courtesy copies delivered to Your Honor. Mr. Wilder is currently scheduled to be sentenced before this Court on November 29, 2022 at 10:00 a.m. We have conferred with the government, who does not object to this request.

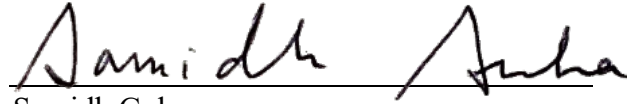
We respectfully submit that the PSR currently before Your Honor does not account for the understanding between the parties regarding the appropriate applicable sentencing guidelines, as outlined in our letter to the Court on November 2, 2022, *see* ECF No. 121, and does not consider certain other factual errors that we have previously brought to the Probation Department’s attention. We communicated these errors to Mr. Wilder’s prior probation officer in the spring before the final PSR was issued and attempted to follow up with her afterwards with affirming documents directly relevant to our objections. We also reached out to her again in connection with Mr. Wilder’s scheduled sentencing, and, on November 3, 2022, the Probation Office informed us that Mr. Wilder’s prior probation officer had left the Office. On November 14, 2022, we spoke with Supervising Probation Officer Katrina Minus-Shepard, who volunteered to assume responsibility for Mr. Wilder’s sentencing and indicated her willingness to prepare a revised PSR.

Accordingly, we respectfully request the Court to order Probation to revise Mr. Wilder’s PSR to reflect, as needed, the parties’ understanding as to the appropriate sentencing enhancement and resulting Sentencing Guidelines range, and information previously presented by counsel for Mr. Wilder. Should Your Honor so order, we would ask that Mr. Wilder’s sentencing be adjourned as per Your Honor’s schedule and convenience.

The Honorable Gregory H. Woods
November 21, 2022

Thank you for Your Honor's consideration of these requests.

Respectfully submitted,



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Counsel for Defendant Warren Wilder


cc: Micah Fergenson, AUSA (via ECF)
Katrina Minus-Shepard, Probation Officer (via email)

Application granted. The Probation Department is directed to address the asserted errors in the presentence report. The Probation Department is also directed to address the parties' modified positions regarding the calculation of the applicable sentencing guidelines range. The sentencing hearing scheduled for November 29, 2022 is adjourned to December 13, 2022 at 2:00 p.m. To the extent that the parties dispute any aspect of the calculation of the advisory sentencing guidelines range, the Court requests that they address how they wish for the Court to decide those issues: on the basis of the information set forth in the updated presentence report alone, or after considering evidence extrinsic to the report. If the parties wish for the Court to consider evidence extrinsic to the report to resolve any disputed issue relevant to sentencing, they are directed to write the Court no later than November 28, 2022 with a proposal for the presentation of evidence to the Court to permit it to resolve the dispute.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 129.

SO ORDERED.

Dated: November 22, 2022



GREGORY H. WOODS
United States District Judge